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Part XV

Department of Transportation

Federal Aviation Administration

Operations Review Program:
Notice No. 11

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121, 135, 145, and 147

[Docket No. 21269; Notice No. 81-1]

Operations Review Program: Notice No. 11

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice describes the FAA's disposition of certain proposals discussed at the Operations Review Conference. The FAA has determined that certain amendments to the rules applicable to aircraft and certificated operators should be proposed to expand, clarify, or simplify these rules and to provide a level of safety commensurate with the development and expansion of the aviation system. Proposals included would allow fuel jettisoning when determining landing weight for the alternate airport, would require replacement of three-pointer altimeters, would increase the number of megaphones for airplanes with more than 199 passengers, and would allow operators to reduce capacity in specified situations by blocking seats. Certain other proposals were withdrawn by their proponents. Other proposals are being removed from further consideration after review by the FAA. The proposals, withdrawals, and removals are contained in this notice.

DATES: Comments must be received on or before April 20, 1981.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-204), Docket No. 21269, 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 21269. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett W. Pittman, Regulatory Review Branch (AVS-22), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Indpendence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 755-8714.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the date specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. For convenience, each proposal in this notice is numbered separately. The FAA requests that interested persons, when submitting comments, refer to proposals by these numbers and by the sections to which they relate.

Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments on Docket No. 21269." The postcard will be dated, time stamped, and returned to the commenter.

Availability of This Notice

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this MPRM. Persons interested in being placed on a mailing list for future NPRMs should request a copy of Advisory Circular No. 11-2 which describes the application procedures.

Background

The aviation industry in the United States and abroad has grown substantially during the last 10 years. Paralleling its rapid growth and numerous technological advances are significant changes in the operating environment in which airmen, air agencies, and aircraft operators function.

To enhance the FAA's responsiveness to the needs of the general public and the aviation community in fulfilling the agency's aviation safety responsibilities, the FAA issues Notice 79-9 (40 FR 8685; February 28, 1975), inviting all interested persons to submit proposals for consideration during the Operations Review Program. The FAA received more than 5,000 individual comments contained in 123 submissions. Based on those comments and on the compilation of proposals, the FAA prepared a number of working documents for the Operations Review Conference held in Arlington, VA. The FAA distributed those documents to each person who participated in the Operations Review Conference and to all other interested persons who requested them.

The Operations Review Conference was attended by more than 600 persons. Various committees discussed all scheduled agenda items during the conference. Summaries were given by the FAA committee chairperson at the close of the discussion on each agenda item. Persons present were given the opportunity to correct those oral summaries. Those summaries were edited, combined with an attendee list and transcripts of certain plenary session speeches, and distributed to all attendees and to other interested persons.

The Proposals

This notice deals with selected proposals concerning Parts 121, 135, 145, and 147 contained in the following Operations Review Committee Workbooks.

Committee No.	Title
1	Aircraft Equipment and Requirements.
2	Aircraft Maintenance.
3	Aircraft Operating Rules.
4	Airmen Certification.
6	Certificated Operators and Agencies.
7	Flight Attendants.
10	Special Issues.

A number of proposals contained in both the compilation and the working documents are not included in this notice. The proposals listed in Appendices I and II fall into two categories as follows: Appendix I—Proposals withdrawn by proponent; Appendix II—Proposals removed from consideration.

The Proposed Amendments

Accordingly, the Federal Aviation Administration proposes to amend Parts

121, 135, 145, and 147 of the Federal Aviation Regulations (14 CFR Parts 121, 135, 145, and 147) as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

11–1. By amending § 121.197 by adding a sentence at the end to read as follows:

§ 121.197 Transport category airplanes: Turbine engine powered: Landing limitations: Alternate airports.

* * * In the case of an alternate airport for departure, as provided in § 121.617, allowance may be made for fuel jettisoning in addition to normal consumption of fuel and oil when determining the weight anticipated at the time of arrival.

Explanation. An alternate airport for departure is an airport to which, in the event of an emergency condition during or shortly after takeoff, the airplane may proceed, instead of returning to a departure airport which is below landing minimums. Fuel jettisoning is allowed under §§ 121.191 and 121.193 if that airplane returns to the departure airport. Thus, allowance may be made for jettisoning fuel, in addition to the normal consumption of fuel and oil, when determining the anticipated landing weight at the alternate airport for departure.

Ref. Proposal 407; § 121.197; Committee 3; Agenda Item C–3.

11–2. By revising § 121.285 (b) and (c), and adding a new § 121.285(d) to read as follows:

§ 121.285 Carriage of cargo in passenger compartments.

* * * * *

(b) Cargo (including carry-on baggage) may be carried anywhere in the passenger compartment if it is carried in an approved cargo bin that meets the following requirements.

* * * * *

(c) Cargo (including carry-on baggage) may be carried forward or alongside of seated passenger compartment occupants if the cargo is restrained in accordance with the following:

* * * * *

(d) Cargo (including carry-on baggage) may be carried aft of seated passenger compartment occupants if the cargo is restrained in accordance with paragraph (c) of this section and a bulkhead or divider of sufficient strength to withstand the cargo-induced inertia forces specified in § 25.561(b)(3) is directly forward of the cargo.

Explanation. Present § 121.285 specifies minimum safety standards for the carriage of cargo (including carry-on baggage) in passenger compartments by specifying the location of that cargo relative to seated passengers. Since flight attendants are considered crewmembers and not passengers, the current language excludes them when establishing those locations. Flight attendants should be afforded the same level of safety as the passengers. Substitution of the words "passenger compartment occupants" for the word "passengers" in §§ 121.285 (b) and (c) would require consideration of all occupants when establishing cargo location. However, this change without other clarifying changes would eliminate the carriage of cargo in the passenger cabin other than in approved cargo bins, as a flight attendant is usually seated at the most forward bulkhead near the entrance door for emergency evacuation purposes.

The phrase "foremost seated passengers" in current § 121.285(b) is somewhat confusing and is unnecessary, since cargo can be carried forward, aft, or alongside of seated occupants if it is carried in an approved cargo bin. Accordingly, § 121.285(b) as proposed is rewritten to clarify that cargo may be carried anywhere in a passenger compartment if it is carried in an approved cargo bin.

Section 121.285(c) as proposed is rewritten to remove any mention of cargo bins because of the proposed revision to § 121.285(b). Also, new wording is proposed which states that cargo may be carried forward of or alongside of seated passenger compartment occupants if it is restrained in accordance with §§ 121.285 (c)(1) through (c)(5). Finally, proposed § 121.285(d) would permit the carriage of cargo aft of seated passenger compartment occupants if it is placed directly aft of a structural bulkhead or divider of sufficient strength to withstand crash inertia loads and is also restrained in accordance with § 121.285 (c)(1) through (c)(5).

Ref. Proposals 413 and 414; § 121.285; Committee 6A; Agenda Item E.

11–3. By amending § 121.291 by revising paragraphs (a) (1) and (2) and adding a new paragraph (a)(3), by redesignating paragraphs (b) and (c) as (d) and (f), respectively, and by adding new paragraphs (b), (c), and (e) to read as follows:

§ 121.291 Demonstration of emergency evacuation procedures.

(a) * * *

(1) Upon increasing the passenger seating capacity by more than 5 percent above the maximum number previously evacuated in a successful seating capacity demonstration, but not more than the maximum number certificated for the airplane;

(2) Following rebuilding or alteration that significantly changes the passenger cabin seating configuration or emergency exits; or

(3) Upon the initial introduction of a type and model of airplane into passenger-carrying operations.

(b) However, the demonstration required under paragraph (a) need not be repeated for any airplane type or model for which a successful full seating capacity demonstration has been performed by an aircraft manufacturer under Part 25 of this chapter or by a Part 121 certificate holder providing—

(1) The passenger seating capacity for which a successful full seating capacity demonstration has been conducted has not been increased by more than 5 percent, but not more than the maximum number certificated for the airplane;

(2) The passenger cabin interior configuration, including the location of flight attendants, has not been changed in a manner that will affect the emergency evacuation of passengers; and

(3) Evacuation procedures, number of flight attendants, emergency exits, aisle width, and seat pitch used by each certificate holder must be equal to or exceed those used in the successful full seating capacity demonstration.

(c) A certificate holder who, under paragraph (b), uses a full seating capacity demonstration performed by the aircraft manufacturer under Part 25 or by a Part 121 certificate holder must—

(1) Demonstrate the effectiveness of its crewmember emergency training and evacuation procedures by conducting a demonstration, not requiring passengers and observed by the Administrator, in which the flight attendants for that type aircraft open 50 percent of the floor-level exists and 50 percent of the non-floor-level exits whose opening by a flight attendant is defined as an emergency evacuation duty under § 121.397, and deploy 50 percent of the exit slides. The exits and slides must be ready for use within 15 seconds or within the same time used in the certification demonstration,whichever is less, and the Administrator selects the flight attendants at random to be used and the exists to be opened;

(2) Apply for and obtain approval from the Flight Standards District Office maintaining surveillance of its operations prior to conducting the demonstration;

(3) Use flight attendants in this demonstration who have completed the certificate holder's FAA-approved

training program for the type and model of aircraft and passed a written examination on the emergency equipment and procedures; and

(4) Apply and obtain approval from the FAA certificate-holding office having jurisdiction over its operations before commencing operations with this type and model of aircraft.

* * * * *

(e) For a type and model aircraft for which the simulated ditching specified in paragraph (d) has been conducted by a Part 121 certificate holder, the requirements of paragraphs (b)(2), (4) and (5) of Appendix D to this part are complied with if each life raft is removed from stowage, one life raft designated by the Administrator is inflated, and crewmembers assigned to the inflated life raft indicate the location of stowed emergency equipment and describe its use.

* * * * *

Explanation. This proposal would allow a Part 121 certificate holder to use the results of a successful full-scale demonstration conducted by a manufacturer under Part 25 or by another Part 121 certificate holder rather than conduct a full-scale demonstration of emergency evacuation procedures, provided certain additional conditions are met. For instance, the certificate holder must conduct a partial demonstration by opening 50 percent of the floor-level exits and 50 percent of the non-floor-level exits whose opening by a flight attendant is defined as an emergency evacuation duty under § 121.397, and deploying 50 percent of the exit slides within 15 seconds. It is the intent of this regulation that the flight attendants be selected at random and that they not be coached on the procedures just prior to the demonstration. This proposal reduces the number of emergency evacuation demonstrations that need be conducted. This in turn reduces the probability of injury caused by hundreds of passengers exiting an aircraft during a demonstration. The FAA has granted several exemptions from the current rule which allow these partial demonstrations and has experienced no derogation of safety. By incorporating the provisions of these exemptions into the regulations, the costs and time involved in submitting and revising petitions for exemption would be eliminated. A full-scale demonstration is still required if the conditions for the partial demonstration are not met.

In Airworthiness Review Amendment No. 7 (43 FR 50578; October 30, 1978), the emergency evacuation demonstration conditions of § 25.803(c) were upgraded to those required by Part 121 so that one demonstration may serve both airworthiness and operations requirements. Thus, the proposed change to § 121.291(b) allows the operators to take advantage of a condition that was envisaged when § 25.803(c) was revised.

Proposed § 121.291(a)(2) refers to significant changes to the passenger seating configuration or emergency exits, whereas the present rule requires an emergency evacuation upon a major change. The word "major" was changed to "significant" to preclude erroneously associating it with major and minor repairs and alterations as defined in Part 43. Some minor repairs or alterations could significantly change the passenger seating configuration and require an emergency evacuation.

This proposal also clarifies the requirements concerning successfully demonstrating ditching procedures for those certificate holders who are operating a type and model of aircraft for which successful ditching demonstrations have been previously conducted by other certificate holders. Additionally, the proposal provides for the inflation of one life raft since such a demonstration provides a sufficient test of safety procedures.

Ref. Proposal 415; § 121.291(a); Committee 6A; Agenda Item E.

11–4. By revising § 121.301 to read as follows:

§ 121.301 Applicability.

This subpart prescribes instrument and equipment requirements for all certificate holders, operators, and persons on board the airplane.

Explanation. Various sections within Subpart K pertain solely to persons on board an aircraft. For example, § 121.311(b) speaks to each person on board, § 121.317(c) speaks to each passenger or crewmember, and § 121.327(b)(3) speaks to flight crewmembers. Thus, the current language of the applicability statement in § 121.301 is somewhat misleading in referring only to certificate holders and would be revised to more fully spell out the applicability.

Ref. Proposal 418; § 121.301; Committee 1; Agenda item C–1.

11–5. By revising § 121.305(b) to read as follows:

§ 121.305 Flight and navigational equipment.

* * * * *

(b) An altimeter that meets the performance and environmental standards of the applicable Technical Standard Order, or the equivalent. However, after (a date two years after the effective date of this amendment), the altimeter for turbojet powered airplanes must not be a three-pointer type.

* * * * *

Explanation. Current § 121.305(b) requires the use of a sensitive altimeter for airplanes operating under Part 121 of this chapter. The term "sensitive" altimeter is not defined. This proposal requires the use of an altimeter that meets the standards of the applicable Technical Standard Order, or the equivalent.

A joint FAA–DOT study (Report FAA–RD–73–108, dated September 1973) found the three-pointer altimeters to be the least desirable type of altimeter since they are more easily misread than other types of altimeters. Further, the study indicated that the high ascent and descent rate characteristics of turbojet powered airplanes is a contributing factor in the misreading of these altimeters. Two Naval Research Laboratory Altitude Comparison Projects (Numbers 1522 and 1641, April 1964, and September 1965, respectively) yielded substantially the same results. These reports have been docketed for public examination.

The Special Air Safety Advisory Group (SASAG) also recommended that the use of three-pointer altimeters by prohibited in all large turbojet powered airplanes because such altimeters can easily be misread. The SASAG report cites the cases of a DC–8 descending to San Francisco on a clear moonless night and a 707 descending into Chicago in instrument weather conditions where near crashes were allegedly caused by the misreading of three-pointer altimeters.

Advance Notice of Proposed Rule Making (ANPRM) No. 77–18 (42 FR 43408; August 29, 1977) solicited comments and supporting data concerning alleged deficiencies in the three-pointer altimeter. A total of 44 comments were received in response to ANPRM 77–18. The FAA conducted a preliminary economic impact evaluation in 1978 to determine the cost of switching from three-pointer altimeters. That analysis used a per aircraft cost of $10,000 and estimated the total number requiring replacement to be 280 airplanes under Part 135 and 1,540 airplanes under Part 121. This results in a total cost impact of $18,200,000. The FAA recognizes that these figures are somewhat outdated. Inflation will undoubtedly have increased the per aircraft cost. Conversely the FAA is aware that a continuing program for conversion from three-pointer altimeters has been in effect and that the total still

requiring conversion could be made lower.

After careful consideration of the comments received, the SASAG report, and the moderate cost estimated in a preliminary economic impact evaluation, the FAA concludes that safety considerations justify proposing amendments to the regulations which will bring about the replacement of the three-pointer altimeters in certain turbojet powered airplanes within a reasonable period of time. Considering the number of airplanes in the fleet having three-pointer altimeters, the present availability of new altimeters, the probable redesign of instrument panels required, and the airline scheduled maintenance periods during which the altimeters could be more cost effectively installed, a two-year applicability date is believed to be appropriate. The FAA requests that specific comments and data supporting or opposing this time period and the economic impact of the conversion be submitted in response to this notice.

Ref. Proposal 421; § 121.305; Committee 1; Agenda Item C–1.

11–6. By amending §§ 121.309(f)(1) and (f)(2) by replacing the words "to a normal" with the words "from a required", by inserting in § 121.309(f)(2) the phrase "and less than 200" between "99" and "passengers", and by adding a new § 121.309(f)(3) to read as follows:

§ 121.309 Emergency equipment.

* * * * *

(f) * * *

(3) Three megaphones in the passenger cabin on each airplane with a seating capacity of more than 199 passengers, one installed at the forward end, one installed at the most rearward location, and one in the mid-section of the airplane. These megaphones must be readily accessible to a required flight attendant seat.

Explanation. This proposal increases the number of portable battery-powered megaphones accessible to flight attendants on passenger-carrying airplanes with a seating capacity of more than 199 passengers from two to three. The present rule requires one megaphone for airplanes with a seating capacity of 60–99 passengers and two for airplanes with a seating capacity of more the 99 passengers. When two megaphones re required, they must be located at the forward and rearward extremes of the airplane. With the increased size of modern passenger airplanes, emergency information transmitted over megaphones located at the two extremes of the airplane may not be audible to passengers near the middle. Thus, for airplanes with a seating capacity of more than 199 passengers, a third, mid-fuselage megaphone is proposed.

This proposal would also revise §§ 121.309(f)(1) and (f)(2) to require the megaphones to be readily accessible from a required flight attendant seat. Because "required" flight attendant seats are normally occupied during takeoff and landing, this will ensure that the megaphone is normally at an occupied seat for all passenger seating configurations. An other than required flight attendant seat may not be occupied on all flights.

Ref. Proposal 428; § 121.309; Committee 1; Agenda Item C–2.

11–7. By revising § 121.318(b)(4) and adding a new (b)(5) to read as follows:

§ 121.318 Public address system.

* * * * *

(b) * * *

(4) After (a date 2 years after the effective date of this amendment), transmission must be audible in each occupiable compartment, at each passenger and flight attendant seat, and in each lavatory.

(5) After (a date 2 years after the effective date of this amendment), it must be capable of operation from a power source independent of the main electrical generating system, without jeopardizing the inflight emergency electrical power system.

Explanation. The proposal to revise paragraph (b)(4) provides public address capability in all occupiable compartments, including lower lobe galleys when installed. This revision would ensure that flight attendants who may be in the lower lobe galley spaces receive information disseminated by way of the public address system to enable them to perform their safety functions more effectively. The FAA estimates that a 2-year compliance time is necessary for § 121.318(b)(4) since many operating airplanes do not have public address system speakers in each occupiable compartment or in each lavatory. This allows sufficient time for design, manufacture, and installation of the equipment. Specific comments on the appropriateness of the time period, including the number of airplanes affected and the costs involved, are requested when commenting on this proposal.

Proposed § 121.318(b)(5) requires power to be supplied to the public address system from a power source independent of the main electrical generating system. Currently, the only type of emergency evacuation communications equipment required is the portable megaphone required by § 121.309. The National Transportation Safety Board's Special Study, NTSB–AAS–74–3, "Safety Aspects of Emergency Evacuations from Air Carrier Aircraft", revealed that although the regulations do not require public address systems for emergency communications, these systems are often used to instruct the crew to initiate emergency evacuations. However, since the public address systems are not always connected to the emergency electrical supply, they are not always usable when the aircraft power is interrupted. There have been several incidents where the pilot aborted the takeoff and stopped. All switches were shut off and the flight crew could not readily order an emergency evacuation because no electrical power was available to the public address system. Also, there has been an accident caused by the failure in flight of all four engines due to fuel depletion. The flight crew's ability to give preimpact warning and instruction was hampered because the aircraft's public address system lost power when the engines stopped operating. Reliable communication is important to initiate and direct an evacuation or give preimpact instructions; thus, the power source for the public address system should be independent of the main supply.

The FAA anticipates that, to make the operation of the public address system independent of the main electrical generating system, system redesign and development is required, in addition to an airplane retrofit program. There are more than 3,250 airplanes operated under Part 121 which will likely require retrofit of the revised system. After careful consideration of the system redesign and development needed, the costs and time involved in retrofitting 3,250 airplanes, an other factors, the FAA concludes that two years is needed to comply with the requirement after it becomes effective. The FAA requests that specific comments and data supporting or opposing this time period, and the costs involved, be submitted in response to this notice.

Ref. Proposals 452 and 453; § 121.318; Committee 1; Agenda Item C–3.

11–8. By revising § 121.323(f) to read as follows:

§ 121.323 Instruments and equipment for operation at night.

* * * * *

(f) An altimeter that meets the performance and environmental standards of the applicable Technical Standard Order or the equivalent. However, after (a date two years after the effective date of this amendment) the altimeter for turbojet powered

airplanes must not be a three-pointer type.

Explanation. See the explanation for Proposal 11–5.

Ref. Proposal 458; § 121.323; Committee 1; Agenda Item C–4.

11–9. By revising § 121.325(b) to read as follows:

§ 121.325 Instruments and equipment for operations under IFR or over-the-top.

* * * * *

(b) An altimeter that meets the performance and environmental standards of the applicable Technical Standard Order or the equivalent. However, after (a date two years after the effective date of this amendment) the altimeter for turbojet powered airplanes must not be a three-pointer type.

* * * * *

Explanation. See the explanation for Proposal 11–5.

Ref. Proposal 459; § 121.325; Committee 1; Agenda Item C–4.

11–10. By revising § 121.329(b)(1) to read as follows:

§ 121.329 Supplemental oxygen for sustenance: Turbine engine powered airplanes.

* * * * *

(b) * * *

(1) At cabin pressure altitudes above 10,000 feet, up to and including 12,000 feet, oxygen must be provided for and used by each flight crewmember on flight deck duty, and must be provided for other crewmembers, for that part of the flight at those altitudes that is of more than 30 minutes duration.

* * * * *

Explanation. Inserting commas before and after the phrase "and must be provided for other crewmembers" would make it clear that the part of the rule that begins with "for that part of the flight" applies to the flight crew on flight deck duty as well as other crewmembers and removes any possible ambiguity.

The proposed amendment to substitute the word "occupant" for "passenger" and to add a new § 121.219(c)(4) has not been proposed for the reasons for removing Proposal 461 from consideration stated in Appendix II.

Ref. Proposals 462 and 463; § 121.329; Committee 10; Agenda Item F.

11–11. By amending § 121.333 by replacing the phrase "cabin attendant" with the phrase "flight attendant" at two places in paragraph (d), by replacing the phrase "cabin attendant" with the phrase "flight attendant" in the last sentence of paragraph (e)(3), and by revising paragraph (f) to read as follows:

§ 121.333 Supplemental oxygen for emergency descent and for first aid: Turbine engine powered airplanes with pressurized cabins.

* * * * *

(f) *Passenger briefing.* Before flight is conducted above flight level 250, a crewmember shall instruct the passengers on the necessity of using oxygen n the event of cabin depressurization, shall point out to them the location of such equipment, and shall demonstrate the proper means of activation and use of oxygen-dispensing equipment, including proper donning procedures. Demonstration masks shall be identical in external appearance to those used aboard the airplane on which the demonstration is given, and shall include an adjustable headstrap and the required length of tubing with safety pin and lanyard (where applicable) attached.

Explanation. This proposal provides specific requirements for the demonstration masks and a demonstration of proper donning for these masks. Current cabin announcements on the use of oxygen do not always include the complete information, nor do the demonstrations use equipment similar to that installed on the airplane. The proposal also replaces the phrase "cabin attendant" with the correct phrase "flight attendant."

During the Operations Review Program, the proponent stated that § 121.333(d) should be amended since misinterpretations exist as to the number of portable oxygen bottles that are to be abroad the aircraft for flight attendant use. Present § 121.333(d) clearly states that portable oxygen equipment is required for each attendant and the FAA sees no need for further clarification.

The proponent also recommended that § 121.333(d) be amended to include the statement "Such portable oxygen equipment shall be regularly inspected for any possible deficiencies by the airline and properly maintained." This statement has not been included since the certificate holder's continuous airworthiness maintenance program, approved in accordance with the requirements of Subpart L of Part 121, specifies inspection frequencies that provide for proper upkeep of the portable oxygen equipment.

Ref. Proposal 465; § 121.333; Committee 10; Agenda Item F.

11–12. By revising § 121.351(a) to read as follows:

§ 121.351 Radio equipment for extended overwater operations and for certain other operations.

(a) No person may conduct an extended overwater operation unless the airplane is equipped with the radio equipment necessary to comply with § 121.349 and an additional and independent radio system that complies with § 121.347(a)(1).

* * * * *

Explanation. This regulation has been erroneously interpreted to require only one means of en route radio communication. This proposal clarifies the fact that two independent radio communication systems are required.

Ref. Proposal 471; § 121.351; Committee 1; Agenda Item C–5.

11–13. By revising § 121.359(d) to read as follows:

§ 121.359 Cockpit voice recorders.

* * * * *

(d) In complying with this section, an approved cockpit voice recorder having an erasure feature may be used provided that the recorded information for the last 30 minutes of the current or most recent flight is not erased or otherwise obliterated. Except as provided in paragraph (e), when the recorder is removed from the airplane for maintenance, or the recording is removed for test or read-out, the recorded information may be erased or otherwise obliterated after maintenance, test, or read-out has been accomplished.

* * * * *

Explanation. This proposal would clairfy the current rule by requiring that the recorded information for the last 30 minutes of the current or most recent flight may not be erased or otherwise obliterated, except as specifically noted and subject to the exceptions provided in paragraph (e), which require a longer retention period in the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board.

Ref. Proposal 472; § 121.359; Committee 1; Agenda Item C.6.

11–14. By revising § 121.391(c) to read as follows:

§ 121.391 Flight attendants.

* * * * *

(c) The number of flight attendants approved under paragraphs (a) and (b) of this section must be set forth in the certificate holder's operations specifications. However, seats that have been blocked off do not have to be considered in determining the seating capacity of the airplane and the required number of flight attendants, provided the procedures authorizing the certificate holder's operations manual

are complied with, except that flights with blocked seats must have a minimum of two flight attendants.

(1) The blocking off of seats is authorized in the following situations—

(i) Specific flight or flights listed in the certificate holder's operations specifications which include the minimum number of flight attendants and maximum number of passengers permitted and which have been verified from operating experience as being consistently operated from origination to termination with passenger loads at or less than the reduced seating capacity proposed;

(ii) Specific flights which require substitution of aircraft due to mechanical irregularities or weather related delays, requiring additional crewmembers at locations where additional crewmembers cannot be obtained without more than a 2-hour delay or flight cancellation. Operations may not be conducted beyond the nearest station at which a replacement for the crewmember is available or can be made available without more than a 2-hour delay or flight cancellation; or

(iii) Specific flights on which a crewmember cannot continue due to illness and a replacement crewmember cannot be obtained at that location without more than a 2-hour delay or flight cancellation. Operations may not be conducted beyond the nearest station at which a replacement for the crewmember is available or can be made available without more than a 2-hour delay or flight cancellation.

(2) The procedures used to block off seats must be approved by the Administrator, set forth in the certificate holder's operations manual, and must contain at least the following—

(i) The location of and means to block the affected passenger seats;

(ii) Methods to notify the pilot in command and other crewmembers when the passenger seating capacity is reduced and the maximum seating capacity authorized;

(iii) Methods to designate a flight crewmember who will verify that the number of passengers on board is not more than the authorized reduced seating passenger capacity; and

(iv) Methods to provide each crewmember on the aircraft being operated in a reduced seating configuration with specific instructions on their emergency duties and seating locations appropriate to the modified seating configuration to ensure the optimum emergency evacuation capability.

(3) Except when seats are blocked in accordance with paragraph (c)(1)(i), the certificate holder shall deliver written notification to its FAA certificate-holding office within 72 hours after it blocks seats in accordance with this paragraph. The notification shall contain a detailed statement of the specific basis for the authorization.

* * * * *

Explanation. The number of flight attendants required on passenger-carrying aircraft is based upon the seating capacity of the aircraft. The actual number of passengers on a particular flight does not affect this requirement. The existing rule allows the number of required flight attendants to be reduced, but only if a sufficient number of passenger seats are physically removed from the cabin. This proposal would allow the operator to reduce the passenger-carrying capacity of its aircraft in specified situations by blocking passenger seats and thereby reduce the number of flight attendants required to be aboard the aircraft. Specific situations in which the FAA could provide authorization for the blocking off of seats, and corresponding reduction in required number of flight attendants, are: (1) Flights which experience has shown to operate with passenger loads at or less than the reduced seating capacity proposed, such as late night and early morning flights; (2) specific flights which require unplanned substitution of aircraft due to mechanical irregularities or weather related delays at locations where additional crewmembers cannot be obtained at that location without more than a 2-hour delay or flight cancellation; or (3) specific flights on which a crewmember cannot continue due to illness and a replacement crewmember cannot be obtained at that location without more than a 2-hour delay or flight cancellation. The proposed 2-hour time period for delay of flight is consistent with the 2-hour increase in flight crewmember flight and duty time proposed for rulemaking in Notice 78–3 (43 FR 8070; February 27, 1978).

The FAA has granted limited exemptions from § 121.391(a)(3), with conditions similar to those specified in proposed § 121.391(c)(1), to permit a reduction in the number of flight attendants required on particular flights by blocking off a number of seats, and no safety problems have been noted.

These exemptions have enabled the air carriers concerned to operate in a more efficient and less costly manner. If the need to change an aircraft at an intermediate stop during a flight requires substitution of a larger aircraft, another flight attendant might be required. An operator might be required to cancel or substantially delay the flight until the extra flight attendant could be transported to the location of the aircraft if extra flight attendants were not based at that stop. Elimination of such delays and cancellations is in the public interest. By limiting the circumstances under which seats can be blocked and by closely monitoring the use of this authority, safety will not be adversely affected.

The FAA has taken steps to ensure that the conditions under which seats can be blocked are strictly followed. The FAA will closely monitor all actions taken under this authority. The certificate holders would be required to develop procedures which must be submitted for approval to their certificate-holding office. The required procedures shall consider such factors as overall cabin size, number and location of exits, location of blocked seats, and number and location of flight attendants. For approval, the procedures must ensure the optimum emergency evacuation configuration. In most cases, this would require that the flight attendants be seated immediately adjacent to the passengers with at least one flight attendant forward and one aft of them. In other cases, the optimum configuration might be with the flight attendants all forward, all aft, or some other location. In any case, the certificate holder must designate an arrangement which ensures the optimum emergency evacuation configuration. These procedures must also assure that the capability for accomplishing an emergency evacuation within 90 seconds is not reduced. The FAA will not authorize an operator to reduce the flight attendant complement below the number required by § 121.391 for the number of seats not blocked. In addition, the certificate holder would be required to submit written notification to the certificate-holding office within 72 hours of its use of this authority under §§ 121.391(c)(1)(ii) and (iii). This notification shall include the basis for use of this authority and will enable the FAA to review all action taken in accordance with this authority.

This proposal also lists specific procedures which must be set forth in the certificate holder's operations manual and which must be followed when blocking seats. These procedures include such matters as the location of and means used to block the affected passenger seats, and methods to provide each crewmember on the aircraft being operated in a reduced seating configuration with specific instructions on their emergency duties.

Additionally, this proposal contains a provision that flights with blocked seats must have a minimum of two flight attendants.

This proposed regulation is not intended to provide for frequent reductions in the number of flight attendants. The strict limitations placed on its use provide a regulation which provides relief, on an occasional basis, only to certificate holders who need such relief. By limiting and controlling the situations during which this proposed regulation can be employed, safety will not be adversely affected.

This proposal only allows for the blocking of seats; the FAA has no intention of allowing, under this paragraph, the blocking or deactivation of exits. Although exits may be blocked or deactivated under certain approved circumstances, the proposed revisions to § 121.391 do not affect existing guidance used to evaluate the reduction of the number of emergency exits.

Ref. Proposals 491 and 495; § 121.391; Committee 7; Agenda Item C.

§ 121.417 [Amended]

11–15. By amending § 121.417(c) by substituting the word "for" for the word "on" in the first sentence.

Explanation. The present rule requires each crewmember to perform certain emergency drills and to actually operate certain equipment during initial training and once each 24-calendar months during recurrent training on each type aircraft. As indicated by § 121.417(c)(6)(vii), it was intended that this initial and recurrent training could be accomplished on an airplane or on a training device approved under the training program requirements of § 121.407. By changing the phrase "on each type aircraft" in § 121.417(c) to "for each type aircraft", the intent is clarified.

Ref. Amendment 121–148 (43 FR 46230; October 5, 1978).

11–16. Amending § 121.439 by adding a sentence at the end of paragraph (a) and by revising paragraphs (b), (c), and (d) and adding a new (e) to read as follows:

§ 121.439 Pilot qualification: Recent experience.

(a) * * * In addition, any person who fails to make the three required takeoffs and landings within any consecutive 90-day period must reestablish recency of experience as provided in paragraph (b) of this section.

(b) In addition to meeting all applicable training and checking requirements of this part, a required pilot flight crewmember who has not met the requirements of paragraph (a) of this section must reestablish recency of experience as follows:

(1) Under the supervision of a check airman, make at least three takeoffs and landings in the type airplane in which that person is to serve or in a visual simulator approved for the takeoff and landing maneuvers for the type of airplane in which that person is to serve.

(2) The takeoffs and landings required in paragraph (b)(1) of this section must include—

(i) At least one takeoff with a simulated failure of the most critical powerplant;

(ii) At least one landing from an ILS approach to the lowest ILS minimum authorized for the certificate holder; and

(iii) At least one landing to a full stop.

(c) The requirements of paragraph (b)(2) of this section may be accomplished in an approved visual simulator which has not been approved for the takeoff and landing maneuvers if the requirements of paragraph (b)(1) of this section are accomplished in the airplane. In this case, the first three landings accomplished in operations under this part will satisfy the landing requirement of paragraph (b)(1) of this section if the pilot has previously logged 100 hours in the same type airplane in which he is to serve and is observed by a check airman.

(d) When using a simulator to accomplish any of the requirements of paragraph (a) or (b) of this section, each required flight crewmember position must be occupied by an appropriately qualified person and the simulator must be operated as if in a normal in-flight environment without benefit of the slew or freeze features.

(e) A check airman who observes the takeoffs and landings prescribed in paragraphs (b)(1) and (c) of this section shall certify that the person being observed is proficient and qualified to perform flight duty in operations under this part and may require any additional maneuvers that are determined necessary to make this certifying statement.

Explanation. The objective of Amendment Number 121–144 (43 FR 22643; May 25, 1978) was to require three takeoffs and landings within any consecutive 90-day period to establish recency of experience and to require a pilot who has gone a period of 90 days without a takeoff and landing to reestablish recency of experience in accordance with § 121.439(b). The rule is not clear with regard to the second objective and proposed § 121.439(a) clarifies the intent. The NTSB, in recommendation A 74–104, identified two accidents in which they attributed lack of recent experience in type as a contributing factor. Pilots who have gone at least 90 days without three required takeoffs and landings should have to reestablish experience by meeting the more extensive requirements of § 121.439(b). Accomplishing three takeoffs and landing after an extended period of inactivity is not sufficient to reestablish experience to the necessary level of competency.

Section 121.439 as amended by Amendment 121–144 has caused considerable confusion regarding implementation of the requirements of paragraph (b) of that section. Clarifying instructions were issued by the FAA after the effective date of the amendment but there is still considerable variance in the procedures used for compliance. Therefore, in an effort to clarify the FAA's intent with regard to reestablishing recency of experience under present paragraph (b), those provisions have been revised. It was not the intent of the FAA to allow persons reestablishing recency of experience to obtain credit for those takeoffs and landings accomplished in a simulator which is not approved for the takeoff and landing maneuvers. Only those simulators approved for the takeoff and landing maneuver provide the capability of evaluating a pilot's ability to successfully land the airplane. When a simulator which has not been approved for the takeoff and landing maneuver is used toward satisfying the requirements for reestablishing recency of experience, the qualifying pilot should at least be required to meet the minimum landing requirement for pilots maintaining recency of experience. Therefore, in such cases, it is proposed to require a pilot to accomplish three landings in the airplane under the supervision of a check airman, either under line operations or in a training environment. To allow this flexibility for accomplishing the landings, this proposal changes the present requirement in § 121.439(c) for two landings on the line to three landings. The present requirement for 100 hours in airplane type remains. Proposed § 121.439(b) and (c) clarify the landing requirement. Also, it has been reported that in some instances simulators are not being employed in a proper manner when used to satisfy the requirements of § 121.439. Proposed paragraph (d) assures that the qualifying pilot is exposed to as realistic an "in-flight" environment as possible. The proposed requirements of this paragraph are in consonance with recently issued total simulation requirements (45 FR 44176; June 30, 1980).

Ref. Proposals 541 and 542; § 121.439; Committee 4; Agenda Item E.

11–17. By revising § 121.543(b)(3)(i) to read as follows:

§ 121.543 Flight crewmembers at controls.

* * * * *

(b) * * *

(3) * * *

(i) In the case of the assigned pilot in command, by a pilot who holds an airline transport pilot certificate and an appropriate type rating, is currently qualified as pilot in command or second in command and is qualified as pilot in command of that aircraft during the en route cruise portion of the flight. A second in command qualified to act as a pilot in command en route need not have completed the following pilot in command requirements: the 6-month recurrent flight training required by § 121.433(c)(1)(iii); the operating experience required by § 121.434; the takeoffs and landings required by § 121.439; the line check required by § 121.440; and the 6-month proficiency check or simulator training required by § 121.441(a)(1); and

* * * * *

Explanation. This proposal would change the current regulation by allowing the assigned pilot in command to be relieved for a rest period by a pilot who is currently qualified as a second in command and is also qualified as pilot in command of the aircraft during the en route cruise portion of the flight. In addition, this relief pilot must hold an airline transport pilot certificate and an appropriate type rating.

Operations Review Program Amendment No. 5 (43 FR 22643; May 25, 1978) provided procedures which allowed an assigned pilot in command to leave that pilot's assigned duty station for a rest period if relieved by a pilot qualified to act a pilot in command who holds an airline transport certificate and appropriate type rating. However, since this amendment became effective, exemptions have been issued which allow the pilot in command to be relieved, under certain conditions, by a pilot who is fully qualified as a second in command and fully qualified as a pilot in command during the en route cruise portion of the flight except for the 6-month recurrent flight training and the 6-month proficiency check or simulator training. The granting of the exemptions does not adversely effect safety since the airplane would be operated at all times during the en route phase by pilots adequately qualified for that phase of flight. If adopted, this proposal would eliminate the need for any further exemptions of this type, thereby reducing the paperwork burden on the public and FAA and satisfying the intent of Executive Order 12044.

Ref. Proposal 565; § 121.543; Committee 3; Agenda Item D.

11–18. By revising the first sentence of § 121.563 to read as follows:

§ 121.563 Reporting mechanical irregularities.

The pilot in command shall ensure that all mechanical irregularities occurring during flight time are entered in the maintenance log of the airplane at the end of that flight time. * * *

Explanation. It has brought to the attention of the FAA that a change made to § 121.563 in Operations Review Amendment No. 8 was not explained in the proposal and that the change has a significant impact on the requirement for reporting mechanical irregularities. In revising § 121.563, the word "time" was inadvertently omitted from the first sentence. Section 1.1 defines "flight time" as the time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing ("Block-to-block" time). On the other hand, § 121.703(b) defines "during flight" as being the period from the moment the aircraft leaves the surface of the earth on takeoff until it touches down on landing. As it was never the intent of the FAA to change the period over which mechanical irregularities must be reported, this revision is proposed to correct this oversight. Additionally, the phrase "next place of landing" at the end of the sentence is changed to "end of that flight time" for clarity and for consistency with the definition of the term "flight time" appearing earlier in the sentence.

11–19. By revising § 121.589(a)(2) to read as follows:

§ 121.589 Carry-on baggage.

(a) * * *

(2) As provided in paragraphs (c) or (d) of § 121.285; or

* * * * *

Explanation: This proposal would add a reference to new paragraph (d) of § 121.285 concerning carriage of cargo in passenger compartments. See the explanation for proposal 11–2.

11–20. By amending § 121.703(a) by deleting the word "and" from the end of paragraph (a)(15), by replacing the period at the end of paragraph (a)(16) with a semicolon, and by adding new paragraphs (a)(17), (a)(18) and (a)(19) to read to follows:

§ 121.703 Mechanical reliability reports.

(a) * * *

(17) Doors and exits designated as emergency exits, including automatic or manual operating systems and components;

(18) Emergency escape slides and components and systems or hardware for manual or automatic deployment; and

(19) Galley or passenger service equipment and crewmember or passenger accommodations which could result in injury to a crewmember or passenger, restrict the emergency egress of either, or adversely affect the airworthiness of the aircraft.

* * * * *

Explanation. This proposal would require each certificate holder to report the occurrence or detection of each failure, malfunction or defect concerning the listed systems, components, and equipment in the mechanical reliability report. Emergency evacuation systems have increased in complexity in recent years. The absence of specific reporting requirements prevents adequate accumulation, coding and dissemination of technical information needed by the FAA and industry to take timely corrective measures regarding these highly safety oriented items.

The FAA has a duty to ensure that the environment to which the occupants of the airplane, both passengers and flight attendants, are exposed is as safe as practicable. Unreported failures of galley equipment or passenger service equipment, for example, could eventually lead to conditions that would pose a direct safety hazard to the occupants of the airplane under normal and emergency conditions. Thus, the reporting of such failures, malfunctions, or defects, as required by proposed § 121.703(a)(19), is considered necessary.

Ref. Proposal 643; § 121.703; Committee 2; Agenda Item P.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

11–21. By amending § 135.149(a) to read as follows:

§ 135.149 Equipment requirements: General.

* * * * *

(a) An altimeter that meets the performance and environmental standards of the applicable Technical Standard Order or the equivalent. However, after (a date two years afgter the effective date of this amendment), the altimeter for turbojet powered airplanes must not be a three-pointer type.

* * * * *

Explanation. See the explanation for Proposal 11–5. In addition to the changes discussed under Proposal 11–5, the phrase "and is adjustable for barometric pressure" is deleted since this aspect is covered under the applicable Technical Standard Order.

Ref. This proposal was not contained in the Operations Review but is a companion change to a proposal in Part 121 which was a part of the Operations Review.

11–22. By amending § 135.415(a) by deleting the word "and" from the end of paragraph (a)(15), by replacing the period at the end of paragraph (a)(16) with a semicolon, and by adding new paragraphs (a)(17), (a)(18) and (a)(19) to read as follows:

§ 135.415 Mechanical reliability reports.

(a) * * *

(17) Doors and exits designated as emergency exits, including automatic or manual operating systems and components;

(18) Emergency escape slides and components and systems or hardware for manual or automatic deployment; and

(19) Galley or passenger service equipment and crewmember or passenger accommodations which could result in injury to a crewmember or passenger, restrict the emergency egress of either, or adversely affect the airworthiness of the aircraft.

* * * * *

Explanation. See the explanation for Proposal 11–20 which adds the same requirements in § 121.703.

Ref. This proposal was not contained in the Operations Review but is a companion change to a proposal in Part 121 which was a part of the Operations Review.

PART 145—REPAIR STATIONS

11–23. By deleting § 145.11(a)(4); by deleting the word "and" and the semicolon at the end of § 145.11(a)(3) and replacing them with a period; by adding the word "and" at the end of § 145.11(a)(2); and by revising § 145.11(a)(1) to read as follows:

§ 145.11 Application and issue.

(a) * * *

(1) A list by type, make, or model, as appropriate, of the airframe, aircraft engine, propeller, appliance, or part thereof, for which the applicant seeks approval;

* * * * *

Explanation. This proposal provides the FAA with a listing of products for which repair station certificate and rating is sought. This list assists the FAA in identifying which initial or additional ratings are being applied for under § 145.31 and which limited ratings are being applied for under § 145.33. When applying for a rating under § 145.31, the application need only identify the type of rating desired (airframe, powerplant, propeller, radio, instrument, or accessory) and the class. When applying under § 145.33, more specific information is necessary on the make and model as specified in the appropriate paragraph of § 145.33. Placing this information on the application will assist the repair station applicant in properly preparing the application and the FAA inspector in evaluating the applicant's compliance with applicable requirements. Section 145.11(a)(4) is redundant because of proposed § 145.11(a)(1) would be deleted.

Ref. Proposal 860; § 145.11; Committee 6B; Agenda Item C–1.

11–24. By revising § 145.41 to read as follows:

§ 145.41 Recommendation of persons for certification as repairmen.

(a) When a person applies for a domestic repair station certificate and rating(s), or additional rating(s), that require a repairman, that person must—

(1) Recommend at least one person for certification as a repairman;

(2) Certify to the Administrator that the person recommended meets the requirements of § 65.101 of this chapter; and

(3) Certify that the person recommended is able to perform and supervise the assigned work.

(b) Each person recommended per paragraph (a)(1) of this section must be at or above the level of shop foreman or department head, or be responsible for supervising the work performed by the repair station. A qualified person so recommended may be certificated as a repairman.

Explanation. This proposal makes clear that the person to be certificated as a repairman must be certified as meeting the requirements of § 65.101 by the person making the recommendation. In addition, it establishes the positions and activities that must be assigned to the individual as part of the eligibility for certification.

Ref. Proposal 872; § 145.41; Committee 4; Agenda Item G.

11–25. By revising the second sentence of § 145.47(b) to read as follows:

§ 145.47 Equipment and materials: Ratings other than limited ratings.

* * * * *

(b) * * * The station shall test all inspection and test equipment at regular intervals to ensure correct calibration to a standard of the National Bureau of Standards, or a standard provided by the equipment manufacturer or, in the case of foreign equipment, to the standard of that foreign country if approved by the Administrator. * * *

* * * * *

Explanation. This proposal provide specific standards to which test and inspection equipment must be calibrated in order to standardize tests and inspections and provide more uniformity.

Ref. Proposal 875; § 145.47(b); Committee 6B; Agenda Item C–3.

11–26. By amending Appendix A of Part 145 by adding an asterisk (*) after the words "Replacement of valve guides and seats" in paragraph (b)(1)(i); by adding an asterisk (*) after the words "Precision drilling, tapping, boring, milling and cutting operations" in paragraph (b)(1)(iii); and by revising paragraph (a)(3) to read as follows:

Appendix A

* * * * *

(a) * * *

(3) Alloy skin and structural components:

Repair and replace metal skin, using power tools and equipment,

Repair and replace alloy members and components such as tubes, channels, cowlings, fittings, attach angles, etc.,

Alignment of components, using jigs or fixtures as in the case of joining fuselage sections or other similar operations,

Make up wooden forming blocks or dies,

Fluorescent inspection of alloy components,*

Fabricate alloy members and components such as tubes, channels cowlings, fittings, attach angles, etc.*

* * * * *

Explanation. This proposal eliminates the current requirements in paragraph (a)(3) providing that repair stations must be able to fabricate alloy members and components. This is no longer necessary since fabrication of alloy components is rarely necessary in the process of sheet metal repair. The general practice is to order replacement parts. This proposal also relaxes certain requirements of paragraphs (b)(1)(i) and (b)(1)(iii) by providing that repair stations need not have the equipment and material on the premises for performing the job functions of replacing valve guides and seats, precision drilling, tapping, boring, milling, and cutting if they contract that particular type of work to an outside agency having such equipment and

material. This change recognizes an already accepted practice.

Ref. Proposal 889; Part 145; Appendix A; Committee 6B; Item C–4.

PART 147—AVIATION MAINTENANCE TECHNICIAN SCHOOLS

§ 147.35 [Amended]

11–27. By amending § 147.35(a) by inserting the words "and hours spent in each subject of instruction" after the word "grades" in the first sentence.

Explanation. This proposal would require that each transcript issued to a student who graduates from a school or who leaves before graduation contain the hours spent in each subject of instruction. Students transferring from one school to another have experienced difficulty because of a lack of this information. This has resulted in students not receiving proper credit for courses completed and being improperly placed within the curriculum of the new school. This proposal would make it easier for the new school to evaluate the student's prior curriculum and properly place that student within its curriculum. The original proposal discussed at the conference used the term "area of instruction" as opposed to the term "subject" as contained in this proposal. The term "subject" is more appropriate since it is used in other sections of Part 147.

Ref. Proposal 899; Part 147.35; Committee 6B: Agenda Item D.

Proposal 110. This proposal would have amended § 65.85 to add a provision that a mechanic may perform the inspections required by Part 91. This proposal was based on the assumption that annual and progressive inspections would be replaced by continuous inspections. Mechanics are now allowed to perform the continuous inspections of Subpart D of Part 91. The proposals, which would have established continuous inspections, were not adopted. Thus, there is no need to adopt this proposal since the mechanic is already authorized to perform those inspections required by Part 91.

Proposals 391 and 396. These proposals would have deleted the current requirements in §§ 121.177(a)(3) and 121.189(d) (1) and (2) concerning horizontal separation of 300 feet beyond the airport boundaries and added a requirement to clear all obstacles in the departure area as specified in the United States Standard for Terminal Instrument Procedures (TERPS). The current rules are satisfactory and TERPS should not be referenced in the rules since the information contained in TERPS is subject to change without public notice and procedure.

Appendix I.—*Proposals Withdrawn by Proponent*

The following proposals were withdrawn by the proponent during or after the conference. The withdrawal of the FAA proposals does not commit the FAA to any further course of action.

14 CFR (FAR)	Proposal No.	Committee No.	Agenda item	Proponent
121.215	[illegible]	1	C–1	Air Transport Association
121.215	411	1	C–1	Federal Aviation Administration.
121.305	419	1	C–1	Do.
121.305(j)	422	1	C–1	Do.
121.313, 121.564	446	1	C–3	Do.
121.315, 121.549	447	1	C–3	Do.
121.349(a)	[illegible]	1	C–6	Do.
121.371(d)	480	6A	F	Do.
121.375	[illegible]	6A	F	Do.
121.377	[illegible]	6A	F	Do.
121.379	485	6	A	Do.
121.391	491	7	C	Do.
145.31	867	[illegible]	C–2	Do.
145.49	[illegible]	[illegible]	C–3	Do.

Appendix II.—*Proposals Removed From Further Consideration*

Based on the FAA's review of the discussions at the Operations Review Conference and the information submitted by interested persons, the following proposals are removed from consideration for the reasons listed:

14 CFR (FAR)	Proposal No.	Committee No.	Agenda item	Proponent
65.85	110	4	[illegible]	Sam Corso.
121.177(a)(3)	391	3	C–2	Air Line Pilots Association
121.189(c)	[illegible]	[illegible]	C–2	Do.
121.189(c)(1)	394	3	C–2	Do.
121.189(d)(1)	395	[illegible]	C–2	Air Transport Association.
121.189(d) (1) and (2)	[illegible]	[illegible]	C–2	Air Line Pilots Association
121.189(d)(2)	397	[illegible]	C–2	Air Transport Association.
121.189	398	3	C–2	Air Line Pilots Association.
121.191(b)(6)	402	[illegible]	C–1	Air Transport Association.
121.193	403	[illegible]	C–1	[illegible]
121.195(b)	404	[illegible]	C–3	The deHavilland Aircraft of Canada.
121.195(d)	405	3	C–3	Do.
121.195(f)	406	3	C–3	Air Line Pilots Association.
121.197(b)	408	3	C–3	Do.
121.215	410	1	C–1	Association of Flight Attendants.
121.219	412	1	C–1	Do.
121.291	417	[illegible]	E	Air Transport Association.
121.305	420	1	C–1	Air Line Pilots Association
121.307	423	1	C–1	Do.
121.309	424	1	C–2	Association of Flight Attendants.
121.309(f)	427	1	C–2	National Transportation Safety Board.
121.310	430	[illegible]	C–2	Do.
121.310(a)	431	[illegible]	C–2	Air Transport Association.
121.310	432	1	C–2	Association of Flight Attendants.
121.310(j)	435	[illegible]	E	Air Transport Association.
121.310	436	[illegible]	E	Air Line Pilots Association
121.311	440	1	C–3	Association of Flight Attendants.
121.313(e)	443	[illegible]	C–3	Sun Chemical Corp.
121.317	448	1	C–2	Association of Flight Attendants.
121.319	454	1	C–4	Do.
121.319	455	1	C–4	Air Line Pilots Association.
121.326	460	1	C–4	Thomson-CSF and Sfena.
121.327	461	10	F	Association of Flight Attendants.
121.321	[illegible]	10	F	Do.
121.347 and 121.351	[illegible]	1	C–5	Air Transport Association.
121.349(c)	470	1	C–6	Aerospace Industries Association.
121.360(a)	474	1	C–6	Mr. Richard L. Newman.
121, Subpart L	475	[illegible]	G	Mr. Sam J. Corso.
121, Subpart L	476	[illegible]	G	Do.
121.361	477	[illegible]	C	International Association of Machinists and Aerospace Workers.
121.371(b)	479	[illegible]	F	Association of European Airlines.
121.375	483	[illegible]	F	International Association of Machinists and Aerospace Workers.
121.380(a)(2)(vii)	[illegible]	2	D	U.K. Civil Aviation Authority.
121.391(a)	[illegible]	7	C	Transport Workers Union of America.

Appendix II.—*Proposals Removed From Further Consideration—Continued*

Based on the FAA's review of the discussions at the Operations Review Conference and the information submitted by interested persons, the following proposals are removed from consideration for the reasons listed:

14 CFR (FAR)	Proposal No.	Committee No.	Agenda item	Proponent
121.571	581	6A	H	National Transportation Safety Board.
121.571	582	7	D	Do.
145.2	859	[illegible]	C–1	Mr. Sam J. Corso.
145.11(a)	861	6B	C–1	Sun Chemical Corp.
145.13	862	6B	C–2	S.G.A.C./France.
145.17	[illegible]	6B	C–2	Sun Chemical Corp.
145.31	865	[illegible]	C–2	Mr. Sam J. Corso.
145.33	[illegible]	[illegible]	C–2	Do.
145.39	871	4	G	Sun Chemical Corp.
145.47	874	6B	C–3	Mr. Sam J. Corso.
145.49	877	[illegible]	C–3	Do.
145.51	878	6B	C–4	Do.
145.51	882	[illegible]	C–4	Air Transport Corp.
145.53	883	[illegible]	C–4	Sun Chemical Corp.
145.71	[illegible]	[illegible]	C–4	S.G.A.C./France.
145, app. A	[illegible]	[illegible]	C–4	Mr. Sam J. Corso.

Proposal 393. This proposal would have revised § 121.189(c) to require all thrust reversers to be operative before an airplane may take off on a wet, icy, snow-covered, or slush-covered runway. This proposal is considered overly restrictive in that the performance credit for the thrust reversers was not considered when certificating the airplane under the provisions of Part 25 of this chapter. Inoperative thrust reversers, like other equipment, should be handled in the Minimum Equipment List (MEL) including, where necessary, appropriate restrictions and limitations.

Proposal 394. This proposal would have amended § 121.189 to redefine accelerate-stop distance. Accelerate-stop distance was redefined in § 121.191(c)(1) by Airworthiness Review Program Amendment No. 6 (43 FR 2302; January 16, 1978).

Proposals 395 and 397. These proposals would have revised §§ 121.189(d) (1) and (2) to provide for a net takeoff flight path that clears all obstacles "* * * that penetrate a 1.2 percent gradient measured from the end of the runway as defined in Part 77 * * *." The current rules in this regard are satisfactory in that the certificate holder and the pilot in command are responsible for determining physical obstacle clearances and adjusting weights to obtain required clearances in accordance with procedures set forth in the Airplane Flight Manual.

Proposal 398. This proposal would have amended § 121.189(e) by adding a requirement for takeoffs from runways that have a friction coefficient less than that for a dry runway. Although the basic concept contained in this proposal has merit, the recommendation that 20 percent be added to the dry distance performance does not appear to be based on factural test data. Past efforts in this regard have not resulted in agreement within the technical community on the standards to be used in determining friction coefficient, the equipment to be used in making this determination, or the criteria to be used in the application of these standards on a day-to-day basis at airports served by Part 121 operators. The FAA plans to issue an ANPRM to solicit more information on this issue.

Proposals 402 and 403. These proposals would have amended §§ 121.191 and 121.193 to allow the consumption of more fuel and oil after engine failure than is allowed for in the en route net flight path data in the Airplane Flight Manual. The current rules define requirements for dispatch based upon the Flight Manual data and do not relate to pilot inflight techniques or judgement. The pilot is not prohibited from selecting any power setting considered necessary for the safety of flight once an engine has been rendered inoperative.

Proposal 404. This proposal would have amended § 121.195(b) by adding specific landing performance provisions for Short Takeoff and Landing aircraft (STOL). Insufficient justification was presented in this proposal to warrant a rule change to Part 121, since no specific performance data was presented on which to base an amendment to the rule. The FAA knows of no reason to amend § 121.195(b) for STOL operations.

Proposal 405. This proposal would have revised § 121.195(d) to restrict a turbine engine powered airplane from landing on a runway containing water, slush, snow or ice unless the runway provided the same margin of safety as a dry runway. Major differences of opinion exist within the national aviation community concerning such basic runway factors as: (1) An acceptable vehicle with which to measure runway friction; (2) a definition of a reference wet surface (i.e., damp versus depth of water, snow, or slush); and (3) factors to be used in establishing acceptable performance margins. All of these considerations will require resolution before rulemaking action can be initiated.

Proposals 406 and 408. These proposals would have amended §§ 121.195 and 121.197 to require consideration of missed approach climb gradients for the landing runway at destination and alternate airports. While climb gradient information is desirable, the proposal would require consideration of destination runways, as distinguished from airports, which would further complicate dispatch procedures. Insufficient justification was presented to warrant a rule change and service experience does not indicate a safety problem.

Proposals 410. This proposal would have amended § 121.215 to require receptacles for towels, paper or similar waste to be fireproof and to have means to contain or extinguish all possible fires. The subject matter of this proposal is contained in Airworthiness Review Amendment No. 8 (45 FR 7750; February 4, 1980).

Proposal 412. This proposal would have amended § 121.219 to require that each occupiable compartment be suitably ventilated. The proposal would have little effect since § 121.219 applies only to transport category airplanes that were types certificated under regulations in effect before October 31, 1946. We assume that the proponent intended to provide a parallel provision, in the operating rules, to certain proposed changes to the ventilation rules in § 25.831, which were also submitted by the proponent for the Airworthiness Review Program. Section 25.831 has been amended by Airworthiness Review Amendment No. 5 (42 FR 36960; August 18, 1977) to require that a means be provided to control the temperature and quantity of ventilating air supplied to the crewmember compartments or area is ventilated by air interchange with other compartments or areas under all operating conditions. Therefore, this proposal is redundant and unnecessary.

Proposal 417. This This proposal would have allowed means other than actual demonstration to be used to comply with the emergency evacuation performance requirements of § 121.291. The recommendation contained in this proposal was included in Airworthiness Review Program Amendment No. 7 (43 FR 50578; October 30, 1978) and was developed to serve both airworthiness and operational requirements relating to

demonstrations of emergency evacuations.

Proposal 420. This proposal would have revised § 121.305 to require that the pitot heat system be automatically energized whenever an engine is running and that an indicating system be provided. Amendments 25–43 and 91–148, effective April 12, 1978, amended §§ 25.1326 and 91.50 to require a pitot heat indication system in all transport category airplances equipped with flight instrument pitot heating systems. With regard to the portion of this proposal to require the automatic energizing of the pitot heat system when an engine is running, insufficient justification was presented to warrant such a change since the current manual procedures (checklist items) for energizing the system are adequate. These procedures provide protection against unwanted energizing of the system and possible damage (i.e., overheating and possible burnout of elements on the ground).

Proposal 423. This proposal would have expanded § 121.307 to make it consistent with the powerplant instrument requirements in § 25.1305. Section 121.157 requires all airplanes entering the air carrier fleet after June 30, 1942, to be certificated as a transport category airplane, whcih is more restrictive than § 121.307. It would be redundant to repeat the powerplant requirements in Part 121 when compliance has already been demonstrated to Part 25.

Proposal 424. This proposal would have amended § 121.309 to provide that access to emergency equipment is not restricted and that the emergency equipment is similar in type, location, and operation for each given type aircraft of each air carrier. It would have also required a CO_2 or dry-chemical fire extinguisher near each lavatory and galley area, a first-aid kit in the cabin of each aircraft, one megaphone for 21 to 99 passengers, and an additional megaphone for each additional 100 passenger seating capacity increment. The words "readily accessible" in the current rule require unrestricted access to emergency equipment. The use of dry-chemical fire extingushers can cause a problem with electrical and electronic components. First-aid kits are required and are normally located in the cabin of the aircraft. The present rule requires one megaphone for an airplane with a seating capacity of more than 60 and less than 100 passengers. Section 121.309 is being revised in Proposal 11–6 to require three megaphones on airplanes with a seating capacity of more than 199 passengers. This requirement has proven satisfactory in past operations and the proponent did not submit any justification to warrant changing the rule to include those aircraft with more than 20-passenger capacity as proposed.

Proposal 427. This proposal would have revised § 121.309(f) to require that the certificate holder designate the flight attendant responsible for use of the megaphone(s) during an emergency evacuation and relocate the megaphone(s) so that they are within easy reach of the flight attendant(s) while seated. The proposal would also require that consideration be given to the installation of new, light, and compact megaphones to facilitate stowage and use.

It is not practical for the certificate holder to designate the flight attendant who will be responsible for using the portable megaphones when the need exists, since all flight attendants are trained in the use of megaphones and their locations, and are expected to use them in case of an emergency. Further, it is inappropriate to require the certificate holder to consider using a specific type or model of megaphone, as long as they meet FAA standards. Proposal 11–6 requires that megaphones must be readily accessible from a required flight attendant seat.

Proposal 430. This proposal would have amended § 121.310(a) to require that emergency evacuation slides on all floor-level exits be automatically inflated upon deployment. The justification given was based on the National Transportation Safety Board's Special Study, NTSB–AAS–74–3, "Safety Aspects of Emergency Evacuations from Air Carrier Aircraft." That study revealed that evacuation slides which had to be manually inflated required more time to make an exit usable than fully automatic slides (that is, automatically deployed and automatically inflated). More rapid slide deployment and inflation would allow evacuation to begin sooner.

Present § 121.310(a) requires that assisting means for floor-level emergency exits meet the requirements of § 25.809(f)(1) in effect on April 30, 1972. Section 25.809(f)(1) in effect on April 30, 1972, requires that all such slides be automatically deployed and automatically erected except that the slide may be erected manually when installed at service doors and passenger doors. Present § 121.310(a) goes on to say that, if the Administrator finds that the design of the exit makes compliance impractical, he may grant a deviation from the requirement of automatic deployment, provided the slide automatically erects upon deployment.

This deviation would be just the opposite of the exception permitted in § 25.809(f)(1) discussed above. In fact, very few if any airplanes have obtained such a deviation; rather, most narrow-bodies airplane slides are automatically deployed and manually inflated.

All aircraft operating under § 121.310(a) have demonstrated an evaucation time of 90 seconds or less. This time included the opening of doors, deployment and erection of slides, and evacuation of occupants. If fully automatic slides were required on all airplanes, evacuation time could possibly be shortened by a few seconds. However, significant cost impacts would result and the minor saving in evacuation time would not justify the lost time and revenue that would be involved in retrofitting all large air carrier aircraft, except the newer wide-body aircraft, with automatic slides. Not only would new slides be required on a significant portion of the fleet, but also the exit opening system would have to be redesigned to comply with the current reuirements in § 25.809(f)(1). Amendment 25–32 (37 FR 3966; February 24, 1972) revised § 25.809(f)(1) to require that each passenger emergency exist which is also a passenger entrance door or a service door must be provided with means to prevent deployment of the assisting means when it is opened from either the inside or the outside under non-emergency conditions for normal use. This requirement is necessary when fully automatic slides are installed to prevent injury to ground personnel when opening the exit to deplane the passengers or for servicing.

The current regulations provide an acceptable level of safety and the recommended change does not justify the significant economic burden that would result.

Proposal 431. This proposal would have amended § 121.310 to require automatic assist means to be armed only during taxiing in areas other than the parking or gate area. The justification given was that this would preclude inadvertent deployment at the gate by inadvertent opening of the door from the outside. Adequate safety justification was not provided for the change, since the slides should be armed at all times when passengers are on board, including that time the aircraft is parked at the boarding gate, to assure proper evacuation in the event of an emergency while at the gate.

Inadvertent slide deployment can best be minimized by providing additional training to flight attendants and other pertinent ground personnel and by incorporating procedural changes in the flight attendants' manual.

Proposal 432. The proposal would have amended § 121.310 to require the

application of self-illuminating material to the emergency exit placards, the aisles, and the emergency exit marking band, and would require 20-inch aisleways and a 36-inch seat pitch. The rules governing emergency exit location, illumination, and access are presently defined in §§ 25.801 through 25.813. Insufficient justification was provided for this proposal. The proposal was vague as to any problems to be expected and did not specify that any increase in safety would be achieved.

Proposal 435. This proposal would have amended § 121.310(j) to allow the deactivation of exists other than those required for the particular passenger seating configuration. All aspects of this proposal were considered when the affected regulations were last evaluated and revised in 1967. The proponent did not introduce any new factors that would justify lowering the level of safety by deactivating useable exits and the FAA is not aware of a need for a revision to the existing rule.

Proposal 436. This proposal would have amended § 121.310 to require the installation of an automatic type emergency locator transmitter (ELT) in all airplanes operating under Part 121. Airplanes operated under Part 121 are currently required to have a flight monitoring or flight following system covering their route systems and are normally under radar surveillance. Scheduled flights by scheduled air carriers certificated by the Civil Aeronautics Board (CAB) were specifically excluded from the requirement by Section 601(d)(2)(B) of the Federal Aviation Act of 1958 and are not subject to change through FAA rule making.

Proposal 440. This proposal would have amended § 121.311 by eliminating side-facing seats, placarding seats that will not remain upright, providing seat belt/shoulder harnesses for flight attendants, and standardizing seat belts on airplanes. Side-facing seats have been eliminated as discussed in Airworthiness Amendment No. 8 (45 FR 7750; February 4, 1980). The rule provides that each passenger seat back be in the upright position for takeoff and landing. Any malfunctioning seat shall be fixed prior to flight or, if it occurs in flight, at the next available location. If shoulder harnesses are provided, the current rule provides that they must be fastened during takeoff and landing unless the harness interferes with the crewmember duties. Rule making pertaining to the requirement for combined seat belt and shoulder harness for each flight attendant seat is contained in Airworthiness Amendment No. 8. Most seat belts are Technical Standard Order approved and as such are well standardized. In addition, the pretakeoff demonstration describes the proper operation of the seat belts installed on the airplane.

Proposal 443. This proposal would have amended § 121.313 to require a static port heater or equivalent to prevent malfunctioning due to icing. This proposal is already covered by §§ 23.1325(b)(3) and 25.1325(b) for new airplane designs. Existing airworthiness requirements are adequate and insufficient justification was presented to require retrofitting of all aircraft operating under Part 121.

Proposal 448. This proposal would have amended § 121.317 to clarify that passenger information signs be "clearly" visible to passengers and flight attendants and to change the words "cabin attendant" to "flight attendants." Operations Review Amendment No. 4 (43 FR 22636; May 25, 1978) amended § 121.417 to require that passenger information signs meet the requirements of § 25.791, which require all signs to be legible to each person under all probable conditions of cabin illumination, and also deleted the words "cabin attendants."

Proposal 454. This proposal would have amended § 121.319 to require: interphone availability or accessibility from all occupiable compartments; an oral and visual alerting system for flight attendants in all compartments including compartments separate from the main passenger compartment; and a means of two-way communication between a flight attendant and ground personnel. Airworthiness Review Program Amendment No. 7 (43 FR 50578; October 30, 1978) amended § 121.319 to provide a crewmember interphone system between the pilot compartment and each passenger compartment and the pilot compartment and each galley located on other than the main passenger deck level. The performance of the alerting system between the cockpit and flight attendants with oral or visual signals has been effective and no change is required. There is no requirement for communication between the flight attendant station and the ground as this is handled through the cockpit. The portion of this proposal to provide communications between all occupiable compartments and ground personnel could cause serious safety problems during emergency situations. The responsibility for communication with ground personnel should remain with the pilot in command and should not be delegated during an emergency to a flight attendant in the passenger compartment. For additional discussions see Notice 75–14 (40 FR 11736; March 13, 1975) and Amendment 121–121 (49 FR 42185; September 11, 1975).

Proposal 455. This proposal would have added a new § 121.319 to require approved autopilots for all turbojets and that they be fully operative, except for flights below flight level 240 or for less than 2 hours when specified modes must be operative. While there are advantages in having fully operative autopilots, it is incorrect to suggest that modern turbojet aircraft cannot be operated safely without an autopilot functioning in all modes (as heading or altitude hold modes).

Proposal 460. This proposal would have added a new § 121.326 to prohibit landing on runways without a radio or visual system providing information on deviation from a standard approach slope, unless the airplane is fitted with an instrument capable of providing instant information on speed vector direction and the balance between thrust, drag, lift, and mass. The FAA is presently evaluating equipment, such as heads-up display systems, that would provide a system in the cockpit with which the flight crew would have the capability of establishing a visual approach slope. Rule making would be premature before completion of the evaluation.

Proposals 461 and 464. These proposals would have amended §§ 121.327 and 121.331 respectively by replacing the word "passenger" with the word "occupant" to include flight attendants under the requirements of paragraph (c) to provide them an equal level of safety. Supplemental oxygen is provided for flight attendants under the crewmember requirements of §§ 121.327(b) and 121.331(b) and there would be a conflict if flight attendants were also included under the supplemental requirements for passengers under paragraph (c). Use of the word occupant in paragraph (c) creates this conflict.

The proposal would have also required in §§ 121.327 and 121.331 that oxygen dispensing units be immediately and readily available for use by all occupants in all occupiable compartments. Transport category airplanes that have as their certification basis CAR 4b effective September 1, 1958 (Amendment 4b–9) or later amendments, or Part 25 and are certificated for operation above 25,000 feet must have oxygen dispensing units that are immediately available to each occupant wherever seated. For airplanes certificated for operation above 30,000 feet, the oxygen dispensing units must be automatically presented to the

occupants. The inclusion of the supplemental oxygen requirements in CAR 4b, later recodified as Part 25, was necessitated by the advent of turbine powered airplanes with normal operating altitudes higher than the operating altitudes of reciprocating engine powered airplanes. Turbine powered airplanes certificated to CAR 4b prior to Amendment 4b-9 have the supplemental oxygen requirements of Amendment 4b-9 imposed as special conditions. Thus, all airplanes operating under Part 121 have supplemental oxygen requirements that meet the intent of the proposal.

Proposal 468. This proposal would have amended §§ 121.347 and 121.351 to require communication with appropriate ground stations along the route but not necessarily at each point along the route. This relaxes the current requirement that a flight must be able to communicate with at least one appropriate ground station from any point on an extended overwater route. Lack of communication capability during any polar or extended overwater operation could place the aircraft in a serious, if not dangerous, situation. The current regulations provide an acceptable level of safety and the changes recommended did not sufficiently justify a reduction in the level of safety.

Proposal 470: This proposal would have amended § 121.349 to allow substitution of certain area navigation computer systems (RNAV) for one very high frequency omnidirectional station (VOR) receiver or one distance measuring equipment (DME) system to provide independent navigation capability. Substituting an RNAV system for one VOR receiver would eliminate dual instrument landing system (ILS) capabilities. The current regulations provide an acceptable level of safety and no change is necessary.

Proposal 474. This proposal would have amended § 121.360 to require a ground proximity warning system on all turbine powered airplanes. The current rule requires the equipment only on large turbine powered airplanes. Separate rulemaking action amended Part 135 of this chapter to require a ground proximity warning system in all turbojet powered airplanes having a passenger seating capacity, excluding any pilot seat, of 10 seats or more. The extension of this requirement to all turbine powered airplanes is being addressed in a separate rulemaking action.

Proposals 475 and 476. These proposals are part of a group to move all maintenance rules from Parts 91, 121, 135, etc., and consolidate them in a new Subpart B of Part 43. These proposals comprise an extensive recodification process with no commensurate benefit to aviation safety since it would not streamline, reduce, or simplify the regulations, but would require a tremendous administrative workload and involve changing many advisory circulars and internal instructions.

Proposal 477. This proposal would have deleted § 121.361(b) and prohibited the use of parts returned to service by persons outside of the United States who do not hold U.S. airmen certificates, on the basis that it takes work away from U.S. certificated mechanics and repairmen. This rule change would have deleted the existing parts pool arrangements which have proven to be advantageous. The proposed change would not enhance safety and would impose an unnecessary inconvenience and an economic burden on Part 121 certificate holders.

Proposal 479. This proposal would have revised § 121.371 to allow an FAA-approved repair station to assume full responsibility for accomplishing required inspections. The current rules make certificate holders responsible for all work performed on their airplanes regardless of the certification status of persons or maintenance entities performing such maintenance. This proposed rule change would dilute this responsibility, with a possible detrimental effect on safety.

Proposal 483. This proposal would have revised § 121.375 to require each certificate holder to prepare and keep current a written training pogram curriculum for maintenance personnel for each type of airplane operated, and also require annual recurrent training. The current rules do not specify the type of training program or frequency of training, allowing certificate holders the opportunity to adjust their training program to their specific needs. These training programs are monitored by the FAA for their adequacy.

Proposal 487. This proposal would have amended §§ 121.380, 43.9, and 43.11 to require the current status of applicable service bulletins, including methods of compliance, to be recorded. The recommended rule change has not been sufficiently justified since these current recording requirements are adequate to provide a record of all maintenance and alterations performed and are subject to periodic review by the FAA.

Proposal 493. This proposal would have amended § 121.391 to change the passenger to flight attendant ratio from the current 50-to-1 to 30-to-1. Emergency evacuation demonstrations performed under current FAA requirements have safely and satisfactorily proved that the 50-to-1 ratio is more than adequate. Additionally, insufficient justification was presented to properly support a change in the passenger to flight attendant ratio.

Proposal 581. This proposal would have amended § 121.571 to require that all operators extract the regulations pertinent to passenger safety from the Federal Aviation Regulations and publish them as passenger information. The current dissemination of passenger information by passenger briefings and briefing cards is considered sufficient. Many regulations are "pertinent to passenger safety", yet their dissemination to passengers is not practical because many of the regulations are complex and would tend to confuse the passengers. They are adequately covered in crewmember training programs which instruct crewmembers in all aspects of passenger safety.

Proposal 582. This proposal would have amended § 121.571 to require that passengers be alerted, during pretakeoff briefings, of the need to familiarize themselves with the procedures involved in the operation of emergency exits. The current passenger briefings and the information contained on the printed briefing cards already convey this information on the operation of emergency exits. Dissemination of this information is being emphasized during crewmember training programs and during passenger briefings. In addition, this information is clearly posted at each emergency exit.

Proposal 859. This proposal would have deleted § 145.2 and, along with related proposals, would restructure the current repair station rating systems. The implementation of this proposal, and the accompanying changes which would be necessary in other parts of the regulations, directives, and supporting advisory circulars, are not justified on the basis of increased safety.

Proposal 861. This proposal would have added a new § 145.11(a)(5) which would require applicants for repair stations with any instrument rating (Class 1, 2, 3, or 4) to list, by type and make of instrument, those appliances for which approval is sought. Proposed § 145.11(a)(1) satisfies the intent of this proposal.

Proposal 862. This proposal would have amended § 145.13 to allow foreign countries who have developed requirements and procedures for repair station certification to provide certification and surveillance services for the FAA. The certification and surveillance authority, as related to foreign repair stations certificated by

the FAA, must remain with the FAA. Since foreign repair stations under the FAR are primarily for the purpose of maintaining U.S. registered aircraft operating outside the U.S., the FAA is not prepared to certificate a foreign repair station, or allow certification status to continue on the basis of an affidavit instead of an on-site inspection by the FAA.

Proposal 863. This proposal would have revised § 145.17(a) to impose a 2-year renewal requirement on FAA approved domestic repair stations. The FAA current surveillance activity ensures the continuing capability of these stations and the renewal requirement would place an economic burden on repair stations and the FAA with no commensurate gain in safety.

Proposal 865. This proposal would have revised § 145.31 by replacing the current class ratings, which include descriptive information about the services involved, with a categorical listing which would denote only the general area of services or products involved. The current rating structure should remain as it is since changing the names of the ratings would not enhance safety, be an economic burden on industry (because of having to recertificate the repair stations and additional requirements), and cause confusion to the public.

Proposal 868. This proposal would have revised § 145.33 by replacing the current limited ratings with a process specification that describes the procedure to be used. The current rating structure is adequate and changing it would not enhance safety, would require recertification of all repair stations to include the process specification procedure, and would be an economic burden on industry and FAA.

Proposal 871. This proposal would have amended § 145.39(d) to require that persons who supervise, perform the work without supervision, or inspect the work for which the repair station is rated, must be appropriately certificated and rated as a mechanic or repairman under Part 65. It would also allow a person working under the supervision of a holder of a mechanic or repairman certificate to perform the same functions that the supervisor is authorized to perform if the supervisor personally observes the work and is readily available, in person, for consultation. The current rules impose sufficient requirements. They provide that each person who is directly in charge of the maintenance function of a repair station must be appropriately certificated as a mechanic or repairman under Part 65. To add requirements for additional ratings for additional persons as proposed is unnecessary and creates an additional burden without a commensurate increase in safety.

Proposal 874. This proposal would have revised § 145.47 to eliminate the current requirement for periodic inspection and calibration of test equipment being used. Calibration of this equipment on a continuing basis is a necessary safety requirement and is required to be performed at regular intervals to ensure correct calibration.

Proposal 877. This proposal would have deleted § 145.49. It is based on Proposal 868 which would have eliminated limited ratings and is removed from consideration for the same reasons stated for Proposal 868.

Proposal 878. This proposal would have revised § 145.51 and was predicated on Proposal 865 which would have replaced the present repair stations class and limited ratings with a categorical system denoting only the general area of services or products involved. The current rating system should be retained and therefore this proposal is removed from consideration for the reasons stated for Proposal 865.

Proposal 882. This proposal would have amended § 145.51 to allow a certificate holder, which has an engineering organization acceptable to the Administrator, to approve the technical data for major repairs and major alterations. This proposal has been included in the provisions of Special Federal Aviation Regulations (SFAR) No. 36 (43 FR 3084; January 23, 1978).

Proposal 883. This proposal would have amended § 145.53 to restrict technical data, equipment or facilities to that recommended by the manufacturer. This proposal is unduly restrictive in that the manufacturers' instructions, while desirable, are not the only available source. Further, the prohibition sought in the proposal is already encompassed in the existing § 145.53.

Proposal 887. This proposal would have revised § 145.71 by deleting the requirement that a determination of need must be found by the Administrator before a certificate and rating(s) could be issued for a foreign repair station. The certification of foreign repair stations is based on a requirement for maintaining or altering U.S. registered aircraft operating outside the United States. Thus, this rule change would negate the basic purpose of FAA certification of foreign repair stations.

Proposal 890. This proposal would have deleted Appendix A of Part 145 and reissued the information in an advisory circular. The material in Appendix A is a regulatory requirement and is not appropriate for inclusion in an advisory circular.

(Secs. 313, 314, and 601 through 610 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, and 1421 through 1430); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the individual named in the "FOR FURTHER INFORMATION CONTACT" paragraph.

Issued in Washington, D.C., on January 9, 1981.

Kenneth S. Hunt,

Director of Flight Operations.

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